

REMARKS

Claims 1-29 and 36 have been canceled. Thus, claims 30-35 are currently pending in the application.

Claim 30 was rejected under 35 U.S.C. 103 as being unpatentable over Saab 5,624,392 in view of Saringer 5,895,418, Utterberg et al. 6,383,158 and Ginsburg et al. 6,620,188. Applicants respectfully traverse this rejection.

The pending application, Application Serial No. 10/627,487 and U.S. Patent No. 6,620,188 to Ginsburg et al. were, at the time the invention of the pending application was made, owned by Radiant Medical, Inc. of Redwood City, California. Because of this common ownership, the Ginsburg et al. patent is not prior art under 35 U.S.C. 103(c)(1).

The Ginsberg et al. patent is used by the Examiner to teach providing an external fluid source. None of the other prior art references provide such an external fluid source. Since the Ginsburg et al. reference is not prior art, as described above, the novel combination of elements claimed by Applicants in claim 30 is neither suggested nor taught, even when the remaining references are combined as suggested by the Examiner. For these reasons, one skilled in the art would not obtain Applicant's claimed invention from the combination of references set forth. Thus, Applicants respectfully request that the rejection be withdrawn, and that claims 30, and claims 31-35 dependent therefrom, be allowed.

CONCLUSION

Applicant has carefully reviewed the arguments presented in the Office Action and respectfully requests reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicants request that the Examiner contact Applicants' attorney, John Fitzgerald, at 310-242-2667.

Please charge any additional fees payable in connection with this Amendment to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Date: February 5, 2007

Respectfully submitted,

FULWIDER PATTON LLP

By: /john k. fitzgerald/
John K. Fitzgerald
Registration No. 38,881

JKF:vmm

Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
139487.1